ORDINANCE NO. 2 Series 1978

CITY OF ELGIN, OREGON

AN ORDINANCE granting General Telephone Company of the Northwest, Inc., a right to erect, maintain and operate in the city of Elgin, Oregon, and in and under the streets and alleys thereof, poles, anchors, conduits, wires and other appliances and conductors for the transmission of electricity for communication purposes.

BE IT ORDAINED BY THE PEOPLE OF THE CITY OF ELGIN:

Section 1. That a right and privilege is hereby granted to General Telephone Company of the Northwest, Inc. to erect, lay, maintain and operate in and through the city of Elgin, Oregon, including all the streets and alleys thereof, poles, anchors, conduits, wires and other appliances and conductors for the transmission of electricity for communication purposes.

Section 2. Such wires or conductors may be strung upon poles or other fixtures above the ground or laid under the ground in pipes or conduits or such other apparatus as may be necessary or proper to operate such telephone system, but in accordance with the laws of this state and the requirements and regulations of the Public Utility Commission of Oregon, and so as not to interfere with the city water or sewer system.

Section 3. It shall be lawful for said company to make all needful excavations in any of the streets or alleys in said city, for the purpose of erecting and maintaining poles or other supports for said wires or for the purpose of laying down, maintaining and operating the conduits under ground for the purpose aforesaid.

Section 4. Whenever the said company shall disturb any of said streets or alleys for the purpose aforesaid, it or they shall restore the same to good order and condition as soon as practicable and without any unnecessary delay.

Section 5. That the places where the poles are set or maintained shall be such as to do as little damage to or obstruction of streets and alleys as is consistent with effective construction and maintenance of the work.

Section 6. Nothing in this ordinance shall he construed in any way to prevent the proper authorities of the city of Elgin from sewering, grading, paving, planking, repairing or otherwise improving or altering any of the streets or alleys herein mentioned, but all such work shall be done if practicable so as not to obstruct, impair or prevent the free use of said poles, anchors, conduits, wires or other apparatus.

Section 7. In consideration of the rights granted the said company, the said city shall have the right to suspend on the poles of, or place within conduits placed in or upon any of said streets or alleys, any or all such wires which it may require for fire alarm or police purposes, where the same does not interfere with the apparatus of the company, and at places to be mutually agreed upon.

Section 8. In consideration of the rights, privileges, and franchise herein granted, said company shall pay said city three percent (3%) of the gross annual revenue for subscribers' exchange monthly service charges billed to business and residence customers located within the city limits, such revenue to be determined in accordance with the lawful rates and rate groupings applicable to the exchange, exclusive of extended area service. Payment of said three percent (3%) shall be made on a calendar annual basis, each payment to be remitted to the city within thirty (30) days after the end of each calendar year, during the duration of this franchise, and such payment made by the company will be accepted by the city in payment of any license, privilege or occupation tax or fee for revenue or regulation, or for any other purpose now or hereafter to be imposed by the city upon the company during the term of this franchise. The company shall file with the city recorder-treasurer with each of its annual payments a report showing the company's gross local service revenue and setting forth said revenues according to the type of and source, and any deduction claimed for the period for which the report covers. Neither such payment nor the failure on the part of the city to investigate the report submitted shall be deemed to estop the city in any way or prevent subsequent investigation or the collection of any amount due hereunder.

Section 9. The rights and privileges herein granted to General Telephone Company of the Northwest, Inc. shall continue and be in force for the period of 20 years from the effective date of this franchise.

Section 10. This ordinance shall take effect and be in full force from and after its passage by the council and approval by the mayor.

PASSED AND ADOPTED by the City Commission of the City of Elgin this 14th day of March, 1978, by six (6) Commissioners voting therefore.

ATTEST:

Ron Scoubes
Recorder-Treasurer

APPROVED this 14th day of March, 1978

Rodney Flint
City Mayor